

## **ARTICLE 2. ARIZONA CRIMINAL JUSTICE COMMISSION**

### **Crime Victim Assistance Program Rules**

#### **R10-4-201. Definitions**

In these rules:

1. “Commission” means the Arizona Criminal Justice Commission, established by A.R.S. § 41-2404.
2. “Crime” means conduct, completed or preparatory, committed in this state, that constitutes a crime as defined by the laws of this state whether or not the perpetrator of the act is convicted. “Crime” is not an act arising out of the ownership, maintenance, or operation of a motor vehicle, aircraft, or water vehicle except when a person acts intentionally, knowingly, recklessly, or with criminal negligence, to cause physical injury, threat of physical injury, or death.
3. “Financial support from other sources” means that at least  $\frac{1}{4}$  of the applicant’s program budget-is from sources other than the Fund, including in-kind contributions.
4. “Fund” means the Arizona Crime Victim Compensation and Assistance Fund.
5. “Immediate family” means the victim’s spouse, child, stepchild, parent, stepparent, sibling, stepbrother, stepsister, grandparent, grandchild, or guardian.
6. “In-kind contribution” means the value of something received or provided that does not have a monetary cost associated with it.
7. “Qualified program” means a victim assistance program, approved by or affiliated with a prosecuting attorney’s office or law enforcement agency, that meets the requirements of R10-4-203.
8. “Subrogation” means the substitution of the state, and a qualified program to the extent that the qualified program used financial support from other sources, in the place of the victim to enforce a lawful claim against a third party to recover the cost of the services provided.

9. “Substantial financial support from other sources” means at least ½ of the financial support to a qualified program is from sources other than the Fund.
10. “Victim” means a natural person against whom a crime is perpetrated. For the purposes of the Crime Victim Assistance Program “victim” includes the immediate family.

#### **R10-4-202. Administration of the Fund**

- A. The Commission shall deposit all funds received under A.R.S. §§ 31-466(A) and 31-411(F) and any other funds received for victim assistance in the Fund.
- B. An application for funds shall be on a form provided by the Commission and shall include:
  1. The amount of funds requested;
  2. A detailed description of how the funds will be spent;
  3. Certification that the program will comply with R10-4-203; and
  4. Whether the program will charge for services and how much the charges are for each service.
  5. If the applicant is a private nonprofit organization, the applicant shall include:
    - a. Evidence of nonprofit status; and
    - b. Approval letter from a prosecuting attorney’s office or law enforcement agency.
- C. The Commission shall establish a policy that promotes statewide distribution and effective and efficient use of the funds.
- D. If any funds received from the Commission remain unexpended by a qualified program at the end of the contract period, the funds shall be returned to the Commission within 45 days after the end of the contract and redeposited in the Fund for use in the next fiscal year.

#### **R10-4-203. Program Requirements**

- A. A qualified program may receive funds from the Commission if the program:

1. Does not use Commission funds or federal funds to supplant funds otherwise available to the program for victim assistance;
2. Is operated by a public agency or private nonprofit organization, or a combination of public agency and private non profit organization, and provides services to victims;
3. Uses volunteers to effectively and efficiently provide victim services;
4. Promotes coordinated public and private efforts to assist victims within the community served;
5. Assists a victim in seeking available victim compensation benefits;
6. Complies with all applicable civil rights laws;
7. Submits to the Commission quarterly financial reports on a form provided by the Commission containing detailed expenditures of funds received from the Commission and detailed expenditures of matching funds;
8. Submits an annual report to the Commission on a form provided by the Commission.

The report shall contain the following:

- a. Number of victims served by type of crime during the reporting period;
- b. Type of services provided;
- c. Number of times each service was provided;
- d. Ethnic background, age, and sex of each victim served;
- e. Number and type of assistance provided to victims in obtaining victim compensation; and
- f. A narrative assessment of the impact of the Commission funds on the program.

B. An existing program shall:

1. Have substantial financial support from a source other than the Fund; and
2. Have a history of providing effective services to crime victims. The Commission shall determine if the services are effective based on the following:

- a. The length of operation; and
- b. An assessment of the program's services that shows the results are achieved in a cost effective manner.

B. A new program shall:

1. Have financial support from a source other than the Fund, and
2. Demonstrate a specific need for victim services that is currently not being met.

**R10-4-204. Services**

A. Funding may be provided to a qualified program for any of the following:

1. Crisis intervention services for the urgent emotional or physical needs of a victim, which may include a 24-hour hotline for counseling or referrals for a victim.
2. Emergency services including:
  - a. Temporary shelter for a victim who cannot safely remain in current lodgings;
  - b. Petty cash for immediate needs related to transportation, food, shelter, and other necessities; or
  - c. Temporary repairs such as locks and windows damaged as a result of a crime to prevent the immediate reburglarization of a home or apartment.
3. Support services including:
  - a. Follow-up counseling dealing with the victimization;
  - b. Assistance dealing with other social services and criminal justice agencies;
  - c. Assistance in obtaining the return of property kept as evidence;
  - d. Assistance in dealing with the victim's landlord or employer; and
  - e. Referral to other sources of assistance as needed.
4. Court-related services including:
  - a. Direct services or petty cash that help victims participate in criminal justice

- proceedings, including transportation to court, child care, meals, and parking expenses;
  - b. Advocate services including escorting victims to criminal justice-related interviews, court proceedings, and assistance in accessing temporary protection services.
5. Notification services including:
- a. Notification of significant developments in the investigation or adjudication of the case;
  - b. Notification that a court proceeding, for which the victim has been subpoenaed, has been canceled or rescheduled; and
  - c. Notification of the final disposition of the case.
6. Training for salaried or volunteer staff of criminal justice, social services, mental health, or related agencies, who provide direct services to victims.
7. Printing and distribution of brochures or similar announcements describing the direct services available, how to obtain program assistance, and volunteer opportunities.
- B. The qualified program shall not use Crime Victim Assistance funds for the following:
- 1. Crime prevention efforts, other than those aimed at providing specific emergency help after a victimization;
  - 2. General public relations programs;
  - 3. Advocacy for a particular legislative or administrative reform;
  - 4. General criminal justice agency improvement;
  - 5. A program in which victims are not the primary beneficiaries;
  - 6. Management training and training for persons who do not provide direct services to a victim; or
  - 7. Victim compensation provided under R10-4-101 et seq.